



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,676	12/10/2001	Yuji Igata	M2047-33	2525

7278 7590 09/18/2006

DARBY & DARBY P.C.
P. O. BOX 5257
NEW YORK, NY 10150-5257

EXAMINER

HAMZA, FARUK

ART UNIT PAPER NUMBER

2155

DATE MAILED: 09/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/016,676	Applicant(s) IGATA ET AL.	
	Examiner Faruk Hamza	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-12 and 14-21 is/are pending in the application.
- 4a) Of the above claim(s) 2 and 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-12 and 14-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. This action is responsive to the amendment filed on July 10, 2006. Claims 1 and 10-12 have been amended. Claims 2 and 13 were cancelled in a previous response. Claims 1,3-12 and 14-21 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1,3-4,7,9-12,14-16,19 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by O'Toole et al. (U.S. Patent Number 6,757,723) hereinafter referred as O'Toole.

O'Toole teaches the invention as claimed including a network appliance that is capable of remote booting and is capable of obtaining its configuration information from a source located far away (See abstract).

As to claim 1, O'Toole teaches an appliance information transmitting/receiving method for handling information regarding an appliance transmitted/received between said appliance and displaying unit of a customer and a server of a provider through a network, comprising the steps of:

activating an access button to issue a send instruction for transmitting identifier information, the access button being disposed on said appliance (Column 2, lines 44-58, Column 4, lines 41-61, Column 12, lines 6-32, Column 15, lines 5-60, Column 16, lines 17-39, O'Toole discloses activating access button and transmitting identifier information);

sending the identifier information by a telecommunications unit, connected to said network and disposed in said appliance, in response to the send instruction (Column 2, lines 44-58, Column 4, lines 41-61, Column 12, lines 6-32, Column 15, lines 5-60, Column 16, lines 17-39, O'Toole discloses sending identifier information);

receiving, at the server, identifier information from said appliance through said network, wherein the identifier information specifies the appliance (Column 2, lines 44-58, Column 4, lines 41-61, Column 12, lines 6-32, Column 15, lines 5-Column 16, lines 39, O'Toole discloses receiving specific identifier);

sending, to the displaying unit after said server receives said identifier information, a menu of provider responses through said network, said menu being structured to have a content which varies in accordance with said identifier information (Column 2, lines 44-58, Column 4, lines 41-61, Column 12, lines 6-32, Column 15, lines 5-Column 16, lines 39, O'Toole discloses receiving appliance identifier specific information);

said server receiving, from said displaying unit through said network, item information selected from said menu displayed on said displaying unit (Column 2, lines 44-58, Column 4, lines 41-61, Column 12, lines 6-32, Column 15, lines 5-Column 16, lines 39, O'Toole discloses receiving information displaying unit); and

processing, at the server, said selected item information (Column 2, lines 44-58, Column 4, lines 41-61, Column 12, lines 6-32, Column 15, lines 5-Column 16, lines 39, O'Toole discloses processing received request from appliance);

Claims 10-12 do not teach or define any new limitation other than above claim 1 and therefore are rejected for similar reasons.

As to claim 3, O'Toole teaches the appliance information transmitting/receiving method as set forth in claim 1, wherein said send instruction for said identifier information is issued by said appliance specified by said identifier information that is selected from an appliance list which is displayed by said displaying unit (Column 2, lines 44-58, Column 4, lines 41-61, Column 15, lines 63-Column 16, lines 39).

As to claim 4, O'Toole teaches the appliance information transmitting/receiving method as set forth in claim 1, wherein said server receives information expressing the state of said appliance specified by said identifier information together with said identifier information from said appliance through said network, and further wherein said identifier information and said information expressing the state of said appliance is information that is sent through said network by said telecommunications unit disposed to said appliance (Column 2, lines 44-58, Column 4, lines 41-61, Column 12, lines 6-32, Column 15, lines 5-Column 16, lines 39).

As to claim 7, O'Toole teaches the appliance information transmitting/receiving method as set forth in claim 1, wherein the receiving identifier information step further includes a sending registration information to the displaying unit when said identifier information received from said appliance is unregistered (Column 15, lines 5-Column 16, lines 39).

Claim 19 does not teach or define any new limitation other than above claim 7 and therefore are rejected for similar reasons.

As to claim 9, O'Toole teaches the appliance information transmitting/receiving method as set forth in claim 1, wherein a plurality of said appliances are disposed and connected to a LAN, and said telecommunications unit of any one of said plurality of appliances is connected to said network (Fig. 1).

Claim 21 does not teach or define any new limitation other than above claim 9 and therefore are rejected for similar reasons.

As to claim 14, O'Toole teaches the appliance information transmitting/receiving system as set forth in claim 11, wherein said send instruction for said identifier information is issued by said appliance specified by said identifier information which is selected from an appliance list which is displayed by said displaying unit appliance (Column 2, lines 44-58, Column 4, lines 41-61, Column 15, lines 5-Column 16, lines 39).

As to claim 15, O'Toole teaches the appliance information transmitting/receiving system as set forth in claim 11, wherein said appliance and

Art Unit: 2155

said displaying unit are structured integral with each other (Column 2, lines 44-58, Column 4, lines 41-61, Column 15, lines 5-Column 16, lines 39).

As to claim 16, O'Toole teaches the appliance information transmitting/receiving system as set forth in claim 11, wherein said telecommunications unit sends information expressing the state of said appliance specified by said identifier information together with said identifier information to said server through said network (Column 12, lines 6-32, Column 15, lines 5-Column 16, lines 39).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 5-6,8,17-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Toole as applied above, and further in view of Koether (U.S. Patent Number 5,875,430) hereinafter referred as Koether.

O'Toole teaches the invention substantially as claimed including a network appliance that is capable of remote booting and is capable of obtaining its configuration information from a source located far away (See abstract).

As to claim 5, O'Toole teaches the appliance information transmitting/receiving method as set forth in claim 1

O'Toole does not explicitly teach claim limitation of received information regarding an item to request repair work.

However, Koether teaches the claim limitation of received information regarding an item to request repair work (Fig. 1, Column 5, lines 20-35, Column 6, lines 3-15, Column 7, lines 46-62).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify O'Toole by adding functionality for receiving information regarding an item to request repair work, which will ease maintenance of the appliances. One would be motivated to do so to enhance the system's usability.

Claim 17 does not teach or define any new limitation other than above claim 5 and therefore are rejected for similar reasons.

As to claim 6, O'Toole teaches the appliance information transmitting/receiving method as set forth in claim 1.

O'Toole does not explicitly teach claim limitation of receiving information regarding appliance from a third party terminal when the appliance need to be collected for repair.

However, Koether teaches claim limitation of receiving information regarding appliance from a third party terminal when the appliance need to be collected for repair (Fig. 1, Column 5, lines 20-35, Column 6, lines 3-15, lines 34-41, Column 7, lines 46-62).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify O'Toole by adding functionality for receiving information regarding an item to request repair work from third party, which will ease maintenance of the appliances. One would be motivated to do so to enhance the system's usability.

Claim 18 does not teach or define any new limitation other than above claim 6 and therefore are rejected for similar reasons.

As to claim 8, O'Toole teaches the appliance information transmitting/receiving method as set forth in claim 1.

O'Toole does not explicitly teach claim limitation of receiving a repair request.

However, Koether teaches claim limitation of receiving a repair request (Column 5, lines 50-29, Column 7, lines 45-62).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify O'Toole by adding functionality for receiving information regarding an item to request repair work, which will ease maintenance of the appliances. One would be motivated to do so to enhance the system's usability.

Claim 20 does not teach or define any new limitation other than above claim 8 and therefore rejected for similar reasons.

4. **Examiner's Note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention, as well as the context.

Response to Arguments

5. Applicant's arguments considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faruk Hamza whose telephone number is 571-272-7969. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached at 571-272-4006. The fax

Art Unit: 2155

phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll -free).

Faruk Hamza

Patent Examiner

Group Art Unite 2155



SALEH NAJJAR
PATENT EXAMINER